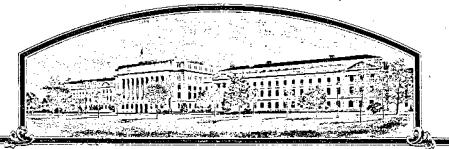
No.



7400060

# HATE: MATCHED STRAINES OF AMIERICA

# TO ALL TO WHOM THESE PRESENTS; SHALL COME; Herry-Morse Seed Gompany

Tultereas, there has been presented to the

#### Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND  ${f WHEREAS}$ , upon due examination made, the said applicant(s) is (are) adjudged to be entitled to a certificate of plant variety protection under the  ${
m LAW}.$ 

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLI-CANT(S) FOR THE TERM OF Seventeen YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EX-CLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN

'Amigo'

In Testimony Whercof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of washington this sixth day of March the year of our Lord one thousand nine hundred and seventy-five

Flant Variety Protection Office

Allast

Grain Division

Agricultural Marketing Service

Amigo - Snap Bean Application for Plant Variety Protection Certificate 1/21/74

VARIETY: Amigo (formerly E8206)

EXHIBIT A: Origin and Breeding History of the Variety

<u>Amigo</u> originated as a single plant selection involving the pedigree method of breeding from a cross made in 1961 between the following parents:

seed parent: Greencrop

pollen parent: (OSU 836 x /Wade x (Tendergreen 240F x Stringless Blue Lake)F<sub>3</sub>/F<sub>3</sub>)F<sub>2</sub>

The F<sub>2</sub> generation of the cross was bulk-massed and the first single plant selections for flat pod types were made in the F<sub>3</sub> generation. The F<sub>4</sub> progeny row was massed; a single plant selection for long, flat pod was taken from the F<sub>5</sub> progeny rows. An F<sub>8</sub> progeny row, appearing quite uniform and superior to related lines, was bulk-massed. The F<sub>9</sub> progeny continued to show the improvement and uniformity desired and the decision to increase the line as a possible new variety was made on August 27, 1968. F<sub>9</sub> plants were inoculated and found resistant to the New York strain of Common Bean Mosaic Virus (BV1-A) in the spring of 1968.

During the first generation of increase  $(F_{10})$ , no variants were removed in a population of approximately 6500 plants, though 6 obvious round podded mixtures were rogued. In a small second generation increase  $(F_{11})$  no variants were removed from a population of 1200 plants.

FORM APPROVED OMB NO. 40-R3712

# UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE GRAIN DIVISION HYATTSVILLE, MARYLAND 20782

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

Amigo	PV NUMBER			V NUMBER ONLY	
AMIZO			PV NUMBER		
3. GENUS AND SPECIES NAME	Snap Bean 4. FAMILY NAME (Botanical) FILING		FILING DATE	TIME	
Phonolus milestic I	Leguminosae		A . 6.74	P.M. BALANCE DUE	
<u>Phaseolus</u> <u>vulgaris</u> <u>L</u> .	5. DATE OF DETERMINATION \$ 3.5 August 27, 1968 \$ 3.5		<b>350</b>	\$	
			350	\$	
5. NAME OF APPLICANT(S)		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP		8. TELEPHONE AREA CODE AND NUMBER	
erry-Morse Seed Company	Code) P.O. Box 100				
r. George C. Emery,	111 Ferry-Morse Way		-	(415)	
reeder	Mountain View, California 94040			967-6974	
	Organization: (Corporation Corporation California		RPORATION	PORATION	
Corporation			rnia		
13. CHECK BOX BELOW FOR EACH ATTACK	HMENT SUBMITTED:	<del></del>	···		
man man and the seal floor	ading Distory of the	1 10 0	/ / / / -		
X 13A. Exhibit A, Origin and Bre	eding History of the	Variety (See Section	on 52 of the Plant V	Variety Protection Act.)	
	•		on 52 of the Plant V	Variety Protection Act.)	
13B. Exhibit B, Botanical Desc	•		on 52 of the Plant V	ariety Protection Act.)	
	cription of the Varie	ty	on 52 of the Plant V	ariety Protection Act.)	
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138. Exhibit B, Botanical Desc	cription of the Varier	ty :y	on 52 of the Plant V	ariety Protection Acl.)	
13B. Exhibit B, Botanical Desc 13C. Exhibit C, Objective Desc 13D. Exhibit D, Data Indicative 13E. Exhibit E, Statement of th	cription of the Variet cription of the Variet e of Novelty te Basis of Applican	ty t's Ownership y be sold by variet	y name only as a cl	ass of certified seed?	
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VARIETY: Amigo (formerly E8206)

#### EXHIBIT B: Botanical Description of the Variety

Seed germination and emergence are moderately rapid; early seedling growth is vigorous. Flowering occurs one day earlier than Tendercrop. Pods mature at the same time as Tendercrop, but mature pod size is much larger. Seed and fiber development is more rapid than Tendercrop.

The determinate, bush plants are erect, tall (17 to 23 inches), with a moderate spread; the plant stands taller and wider than Tendercrop. The foliage is a medium green, slightly darker than Tendercrop; the leaves are larger, heavier, and not as numerous as Tendercrop. The leaflets are deltoid ovate, acuminate, with rounded or truncate bases. Stems and leaves are slightly pubescent. The inflorescences arise from the apex and leaf axils and produce 4 to 8 white flower buds per inflorescence. The pods are produced relatively high in the plant and only infrequently touch the soil.

The stringless pods are 7 to 8 inches in length, flat in shape,  $\frac{1}{2}$  inches in diameter in cross-section and  $\frac{1}{2}$  to 5/8 inches from suture to suture. The neck and spur are medium long. Pod surface is smooth and slightly pubescent. Pod color is a medium dark green. Compared to Tendercrop the pods are flat instead of round,  $1\frac{1}{2}$  to 2 inches longer, have a longer neck, but a shorter spur, and are similar in color.

The seed are white, short, oblong, round to elliptical in crosssection, and slightly reniform. Compared to Tendercrop, the seed are longer, wider in cross-section from the hilar to the dorsal edge, and more reniform in shape. INSTRUCTIONS: See Reverse.

UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE

EXHIBIT C (Bean)

GRAIN DIVISION HYATTSVILLE, MARYLAND 20782

### **OBJECTIVE DESCRIPTION OF VARIETY**

BEAN (PHALEOLUS VULGARIS)

NAME OF APPLICANT(S) FOR OFFICIAL USE ONLY Ferry-Morse Seed Company, Dr. George C. Emery PVPO NUMBER ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) 7400060 P.O. Box 100 VARIETY NAME OR TEMPORARY DESIGNATION 111 Ferry-Morse Way AMIG0 Mountain View, California 94040 Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in first box (c.g. 0 8 9 or 0 9) when number is either 99 or less or 9 or less. 1. TYPE: 1 1 = SNAPBEAN 2 = GREEN SHELL 3 = DRY EDIBLE 4 = MULTIPURPOSE 2. SEASON AND REGION OF ADAPTABILITY IN THE U.S.: 2 Grows best during: 1 = SPRING 2 = SUMMER 3 = FALL 4 = WINTER 1 = NORTHWEST 2 = NORTHCENTRAL 3 = NORTHEAST 6 4 = SOUTHEAST Best adapted in: 5 = SOUTHWEST 6 = MOST REGIONS MATURITY (Days from seeding to first harvest): 3 GREEN PODS GREEN SHELLS DRY SEEDS NO. DAYS EARLIER THAN SPRITE 1 1 = TENDERGROP 2 = KENTUCKY WONDER 3 = KINGHORN WAY 4 = WHITE KIDNEY 5 = MICHELITE 62 6 = DWARF HORTI -CULTURAL NO, DAYS LATER THAN -----7 = BUSH BLUE LAKE 8 = OTHER (Specify) PLANT: 1 = DETERMINATE, ERECT BUSH 3 = DETERMINATE, SEMIPOLE 2 = DETERMINATE, SPRAWLING BUSH 4 = INDETERMINATE, POLE CM. HEIGHT OR LENGTH OF VINE FROM PRIMARY LEAF NODE 5 0 CM. SPREAD NUMBER PRIMARY BRANCHES PER MAIN STALK NUMBER INTERNODES ON MAIN STALK BETWEEN PRIMARY LEAF AND BASE OF Branching habit: 1 = COMPACT 0 4 TERMINAL INFLORESCENCE 3 CM. LENGTH OF FIRST INTERNODE ABOVE PRIMARY LEAF MM. STALK DIAMETER ABOVE 1 FIRST TRIFOLIATE LEAF Main stalk: 1 = BRITTLE 1| 2 = WIREY 1. STOUT 2. THIN Flower position: 3 = SCATTERED 1 = LOW, CONCENTRATED 2 = HIGH, CONCENTRATED 3 Pod Position: 5. LEAVES: I = SMOOTH 2 = WRINKLED 3 | Thickness: 1 = THIN 2 = MEDIUM 3 = THICK 1 = DULL 2 = GLOSSY 1 = SMALL (Earliwax) 2 = MEDIUM 3 = LARGE (Tendercrop) CM. PETIOLE LENGTH 16 (To basal leaflets of first trifoliate leaf) 2 Tip shape of center leaflet: 1 = ROUNDED 2 = TAPER POINTED 3 = SHARP POINTED PUBESCENCE - Dorsal:

2 = SLIGHT

2 = MEDIUM GREEN

3 = CONSIDERABLE

3 = DARK GREEN (Bush Blue Lake)

4

1 = NONE

PUBESCENCE - Ventral:

Color: 1 = LIGHT GREEN (Bountiful)

VARIETY: Amigo (formerly E8206)

REVISED

EXHIBIT D: Data Indicative of Novelty

Amigo most closely resembles the variety Greencrop. Amigo is distinct from Greencrop by being resistant to Common Bean Mosaic virus, New York Strain (BV1-A), having a taller bush, slightly wider pods darker green in color, and seed that are shorter, less reniform, and more round in cross-section.

	<u>AMIGO</u>	GREENCROP	<u>_</u>	<u>-s</u> - <u>d</u>
Plant height	71.2 cm	48.5 cm	22.7	3.1
Pod width	15.4 mm	13.2 mm	2.2	0.32

(Measurements were made in the greenhouse with a minimum night temperature of 55°F at San Juan Bautista, Calif. The seed was planted March 27, 1974 and pods measured May 23, 1974. Measurements represent 10 paired comparisons.)

May 29, 1974

Amigo - Snap Bean Application for Plant Variety Protection Certificate 1/21/74

EXHIBIT "E"	
Plant Variety Application	Protection
No:	

#### **ASSIGNMENT**

I, DR. GEORGE C. EMERY , agree and hereby do		
transfer and assign to FERRY-MORSE SEED COMPANY all of		
my rights, title, and interest in and to that certain		
variety namely, AMIGO ,		
for which application for Plant Variety Protection		
Certificate has been filed. This agreement shall be		
binding on my administrators, successors and assigns.		
In Witness Whereof, I have executed this agreement this		
day of January 21 , 1974.		

BREEDER

George C. Energ

8

ASSIGNMENT OF INTELLECTUAL PROPERTY

WHEREAS, HARRIS MORAN SEED COMPANY, a corporation duly organized and

existing under the laws of the State of Maryland, having its principal place of business at 4511

Willow Road, Suite 3, Pleasanton, California 94588 ("Assignor"), has, pursuant to that certain

Bill of Sale and Assignment dated as of June 30, 1997, transferred to FERRY-MORSE SEED

COMPANY (CALIFORNIA), a corporation duly organized and existing under the laws of the

State of California, having its principal place of business at 555 Codoni Avenue, P.O. Box 4938,

Modesto, California 95352-4938 ("Assignee"), all of the intellectual property Assignor had

adopted, used and was using as of the effective date of this Assignment, including without

limitation, the intellectual property represented by the United States Plant Variety Protection

Certificates of Assignor identified on Schedule A hereto (collectively, the "Property"); and

WHEREAS, on the date hereof, Assignee has changed its name to "Harris Moran Seed

Company";

NOW, THEREFORE, effective by this instrument as of the close of business on

June 30, 1997, and for good and valuable consideration, receipt of which is hereby

acknowledged, Assignor hereby assigns to Assignee any and all right, title and interest

worldwide in and to the Property and any and all recordations thereof, including, but not limited

to, the use of the Property in any manner, all benefit of any and all prior use of the Property, and

any and all rights to initiate claims or proceedings for past, present or future infringements of

Assignor's rights, title and interest in and to the Property.

Dated: as of June 30, 1997

HARRIS MORAN SEED COMPANY

NEWY01A:171511:1:09/26/97 26757-1

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## CERTIFICATE OF AMENDMENT

#### OF THE

## ARTICLES OF INCORPORATION

OF

ENDORSED FILED

In the office of the Secretary of State of the State of California

JUN 3 0 1997

BILL JOHES Santon of Dr.

FERRY-MORSE SEED COMPANY (CALIFORNIA)
(a California corporation)

To the Secretary of State State of California

Pursuant to the provisions of the General Corporation Law of the State of California, the undersigned officers of FERRY-MORSE SEED COMPANY (CALIFORNIA), a California corporation (the "Corporation"), do hereby certify as follows:

- The name of the Corporation is Ferry-Morse Seed Company (California).
- 2. Article One of the Corporation's Articles of Incorporation, which relates to the name of the Corporation, is hereby amended in its entirety to read as follows:

One. The name of this Corporation is: HARRIS MORAN SEED COMPANY.

- The amendment herein provided for has been approved by the Corporation's Board of Directors.
- 4. The amendment herein provided for was approved by the written consent of the Corporation's sole shareholder in accordance with the provisions of Section 902 of the California General Corporation Law. The total number of outstanding shares of the corporation is 5,000.

IN WITNESS WHEREOF, each of the undersigned does hereby declare under the penalty of perjury that he or she signed the foregoing Certificate of Amendment as of June 30,

1997, in the Town of Modesto, State of California, in the official capacity set forth beneath his or her signature and that the statements set forth in this certificate are true of his or her own knowledge.



SECRETARY OF STATE



I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this

JUN 3 0 1997



Secretary of State

#### INSTRUCTIONS

GENERAL: Send an original copy of the application, exhibits and \$250.00 fee to U.S. Dept. of Agriculture, Agricultural Marketing Service, Grain Division, 6525 Belcrest Road, Hyattsville, Maryland 20782. (See Section 180.175 of the regulations and rules of practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

#### ITEM

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- Insert the date the applicant determined that he had a new variety based on the definition in Section 41 (a) of the Act and decision is made to increase the seed.
- 13a First, give the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method. Second, give the details of subsequent stages of selection and multiplication. Third, indicate the type and frequency of variants during reproduction and multiplication and state how these variants may be identified. Fourth, provide evidence on stability.
- 13b First, give any special characteristics of the seed and of the plant as it passes through the seedling stage, flowering stage and the fruiting stage. Second, describe the mature plant and compare it with a similar commercial variety grown under the same conditions, and indicate the differences.
- A supplemental form will be furnished by the PVPO to describe in detail a variety for each kind of seed.
- 13d Provide complete data indicative of novelty. O Seed and plant specimens or photographs of seed and plant comparisons olearly indicating novelty may be submitted. Seeds submitted may be sterile.
  - 13e Indicate whether applicant is the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc. juinstyks kajodini p

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BUTTO EST

PUBESCENCE - Dorsal:

PUBESCENCE - Ventral:

Color: 1 = LIGHT GREEN (Bountiful)

2

1 = NONE

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UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION

HYATTSVILLE MARYLAND 20782

EXHIBIT C (Bean)

**OBJECTIVE DESCRIPTION OF VARIETY** 

INSTRUCTIONS: See Reverse. **BEAN (PHALEOLUS VULGARIS)** NAME OF APPLICANTS FOR OFFICIAL USE ONLY Ferry-Morse Seed Company, Dr. George C. Emery PVPO NUMBER ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) 7400060 P.O. Box 100 VARIETY NAME OR TEMPORARY DESIGNATION 111 Ferry-Morse Way AMIG-0 Mountain View. California 94040

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in first box (e.g. 0 8 9 or 0 9) when number is either 99 or less or 9 or less. 1. TYPE: 1 1 = SNAPBEAN 2 = GREEN SHELL 3 ≃ DRY EDIBLE 4 = MULTIPURPOSE 2. SEASON AND REGION OF ADAPTABILITY IN THE U.S.: 2 Grows best during: 1 = SPRING 2 = SUMMER 3 = FALL 4 = WINTER 1 = NORTHWEST 2 = NORTHCENTRAL 6 Best adapted in: 3 = NORTHEAST 4 = SOUTHEAST 5 = SOUTHWEST 6 = MOST REGIONS MATURITY (Days from seeding to first harvest): 3 GREEN PODS 5 GREEN SHELLS DRY SEEDS NO. DAYS EARLIER THAN SPRITE 1 1 = TENDERCROP 2 = KENTUCKY WONDER 3 = KINGHORN WAX 4 = WHITE KIDNEY 5 = MICHELITE 62 6 = DWARF HORTI-3 NO. DAYS LATER THAN -----7 = BUSH BLUE LAKE 8 = OTHER (Specify) 4. PLANT 1 = DETERMINATE, ERECT BUSH 2 = DETERMINATE, SPRAWLING BUSH 4 = INDETERMINATE, POLE 1 3 = DETERMINATE, SEMIPOLE CM. HEIGHT OR LENGTH OF VINE FROM PRIMARY LEAF NODE 5 5 O CM. SPREAD NUMBER PRIMARY BRANCHES PER MAIN STALK NUMBER INTERNODES ON MAIN STALK BETWEEN PRIMARY LEAF AND BASE OF 2 | Branching habit: 1 = COMPACT 0 2 = OPENTERMINAL INFLORESCENCE 1 3 CM. LENGTH OF FIRST INTERNODE ABOVE PRIMARY LEAF 1 MM. STALK DIAMETER ABOVE 1 FIRST TRIFOLIATE LEAF 1 Main stalk: 1 = BRITTLE 2 = WIREY 1. STOUT 2. THIN Flower position: 1 = LOW, CONCENTRATED 2 = HIGH, CONCENTRATED 3 = SCATTERED 3 Pod Position: LEAVES: 1 = SMOOTH 2 = WRINKLED 1 = DULL 2 = GLOSSY Thickness: 1 = THIN 2 = MEDIUM 3 = THICK Size: 1 = SMALL (Earliwax) CM. PETIOLE LENGTH 2 = MEDIUM 3 = LARGE (Tendercrop) (To basal leaflets of first trifoliate leaf) Tip shape of center leaflet: 1 = ROUNDED 2 = TAPER POINTED

2 = SLIGHT

2 ≃ MEDIUM GREEN

3 = SHARP POINTED

3 = CONSIDERABLE

3 = DARK GREEN (Bush Blue Lake)

4

FORM GR-470-12 (PAGE 2 OF 3 PAGES)

10. ANTHOCYANIN: (1 = Absent 2 = Present):				
1 FLOWERS 1 STEMS 1 PODS	1 SEEDS 1 LEAVES			
11. DISEASE RESISTANCE (0 = Not tested; 1 = Susceptible; 2 = Resistant):				
0 RUST (Specify race)	O ANGULAR LEAF SPOT			
0 BACTERIAL WILT	2 COMMON BEAN MOSAIC			
0 ANTHRACNOSE	YELLOW BEAN MOSAIC			
0 SOUTHERN BEAN MOSAIC	FUSARIUM ROOT ROT			
O CURLY TOP	2 N.Y. 15 BEAN MOSAIC			
0 POWDERY MILDEW	D BEAN MOSAIC VIRUS 4			
0 HALO BLIGHT	Fuscous BLIGHT			
0 ALFALFA MOSAIC VIRUS	ALFALFA MOSAIC VIRUS 2			
POD MOTTLE VIRUS	RED NODE VIRUS			
0 ROOT KNOT NEMATODE	O OTHER (Specify)			
12. INSECT RESISTANCE: (0 = Not tested; 1 = Susceptible; 2 = Resistant)				
0 APHIDS	0 LEAF HOPPERS			
0 POD BORER	0 LYGUS			
THRIPS	0 WEAVILS			
0 SEED CORN MAGGOT	OTHER (Specify)			
13. PHYSIOLOGICAL RESISTANCE: (0 = Not tested; 1 = Susceptible; 2 = Resistant)				
O HEAT O COLD O DROI	JGHT OTHER (Specify)			

**REFERENCES:** The following publications may be used as a reference in completing this form:

- 1. Beans of New York. Vol. 1 Part II of Vegetables of New York. U.P. Hedrick et al. J. B. Lyon Company, Albany, N.Y. 1931.
- 2. Yarnell, S. H., Cytogenetics of the Vegetable Crops IV. Legumes. Bot. Rev. 31:247 330. 1965.
- 3. USDA Yearbook of Agriculture. 1937.

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COLOR: Nickerson's or any recognized color fan may be used to determine the colors.

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